

(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (By Request -
Departmental - Public Safety and Correctional Services)**

Requested: November 3, 2003

Introduced and read first time: January 14, 2004

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Injuries Compensation Board - Emergency Award**

3 FOR the purpose of increasing the amount payable as an emergency award for
4 criminal injuries compensation; providing a certain exception to the
5 requirement that an emergency award be repaid under certain circumstances;
6 and generally relating to criminal injuries compensation.

7 BY repealing and reenacting, with amendments,
8 Article - Criminal Procedure
9 Section 11-813
10 Annotated Code of Maryland
11 (2001 Volume and 2003 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Criminal Procedure**

15 11-813.

16 (a) The Board may make an emergency award to the claimant before making
17 a final decision in the case, if the Board determines, before taking action on the claim,
18 that:

- 19 (1) an award likely will be made on the claim; and
- 20 (2) the claimant will suffer undue hardship unless immediate payment
21 is made.

- 22 (b) (1) The amount of an emergency award under this section:
 - 23 (i) may not exceed [\$1,000] \$2,000; and
 - 24 (ii) shall be deducted from any final award made to the claimant.

1 (2) [A] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
2 A claimant shall repay the Board:

3 (i) the excess of the amount of the emergency award over any final
4 award; or

5 (ii) if a final award is not made, all of the emergency award.

6 (3) ON WRITTEN REQUEST BY A CLAIMANT, FOR A COMPELLING REASON
7 THE BOARD MAY WAIVE THE REQUIREMENT THAT A CLAIMANT REPAY AN
8 EMERGENCY AWARD UNDER PARAGRAPH (2) OF THIS SUBSECTION.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
10 effect October 1, 2004.